

**IN THE CIRCUIT COURT FOR THE COUNTY OF ST. LOUIS
STATE OF MISSOURI**

OPIOID MASTER DISBURSEMENT TRUST II, A/K/A		
OPIOID MDT II,		
Plaintiff,		Case No. 22SL-CC02974
v.		Division 2
ACE AMERICAN INSURANCE COMPANY, ET AL.,		
Defendants.		

OPIOID MASTER DISBURSEMENT TRUST II, A/K/A		
OPIOID MDT II,		
Plaintiff,		Case No. 23SL-CC05428
v.		Division 2
AMERICAN GUARANTEE & LIABILITY		
INSURANCE COMPANY, ET AL.,		
Defendants.		

**PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.
REGARDING THE SCOPE OF THE PRODUCTS HAZARD
(AKA “YOUR PRODUCTS”) EXCLUSION**

Plaintiff the Opioid Master Disbursement Trust II, also known as the Opioid MDT II (the “Trust”), respectfully submits this Motion for Partial Summary Judgment Against National Union Fire Insurance Company of Pittsburgh, Pa. Regarding the Scope of the Products Hazard (aka “Your Products”) Exclusion (“Motion”).

This motion seeks a declaration that products hazard exclusions contained in National Union’s policies do not apply to liability of Mallinckrodt insureds (individually and collectively “Mallinckrodt”) because of bodily injury that arose in whole or in part from non-Mallinckrodt

opioid drugs. In other words, to the extent that Mallinckrodt was liable because of bodily injury resulting in whole or in part from opioid pharmaceuticals manufactured, sold, handled, distributed, or disposed of by other pharmaceutical companies or from illicit opioid drugs, whether because of Mallinckrodt's role in creating and fueling the nationwide opioid crisis through the unbranded promotion of opioid drugs generally, because of joint and several liability, or otherwise, such liability is not excluded by products hazard exclusions found in the National Union policies, which apply only to bodily injury arising solely from "your [Mallinckrodt's] product[s]".

Plaintiff's arguments in support of its Motion are set forth in a Memorandum of Law in Support of Plaintiff's Motion for Partial Summary Judgment Against National Union Fire Insurance Company of Pittsburgh, Pa. Regarding the Scope of the Products Hazard (aka "Your Products") Exclusion, as well as a Statement of Uncontroverted Facts and attached exhibits, which are being filed contemporaneously with this Motion and are incorporated into this motion by reference.

Dated: April 16, 2024
St. Louis, MO

RIEZMAN BERGER, P.C

By: /s/ Randall D. Grady
Randall D. Grady, MBN 36216
P. Tyler Connor, MBN 69049
7700 Bonhomme Avenue
7th Floor
Clayton, MO 63105
Telephone: (314) 727-0101
Facsimile: (314) 727-6458
grady@riezmanberger.com
ptc@riezmanberger.com

GILBERT LLP

Richard J. Leveridge

(admitted pro hac vice)

Richard Shore

(admitted pro hac vice)

Daniel I. Wolf

(admitted pro hac vice)

Michael B. Rush

(admitted pro hac vice)

700 Pennsylvania Avenue, SE

Suite 400

Washington, DC 20003

Telephone: (202) 772-2200

Facsimile: (202) 772-3333

leveridger@gilbertlegal.com

shorer@gilbertlegal.com

wolfd@gilbertlegal.com

rushm@gilbertlegal.com

Attorneys for the Opioid Master

Disbursement Trust II a/k/a

the Opioid MDT II

CERTIFICATE OF SERVICE

Pursuant to Missouri Rule of Civil Procedure 55.03(a), the undersigned hereby verifies that he signed the original foregoing document.

The undersigned hereby certifies that on April 16, 2024, a true copy of the foregoing was served, via electronic filing pursuant to Missouri Rules of Civil Procedure Rule 103.08, to all parties of record, and that a true copy of the foregoing was served via email pursuant to Missouri Rules of Civil Procedure Rule 43.01(c)(1)(D), to the attached service list.

/s/ P. Tyler Connor
P. Tyler Connor, MBN 69049

ACE American Insurance Company

Of Counsel:

Aaron D. French, MO #50759
Stephen W. Carman, MO #70910
SANDBERG PHOENIX
600 Washington Avenue – 15th Floor
St. Louis, MO 63101-1313
Telephone: (314) 231-3332
Facsimile: (314) 241-7604
afrench@sandbergphoenix.com
scarman@sandbergphoenix.com

Blair E. Kaminsky (*admitted pro hac vice*)
Daniel M. Sullivan (*admitted pro hac vice*)
Michael S. Shuster (*admitted pro hac vice*)
Matthew Gurgel (*admitted pro hac vice*)
Jonathan Schaffer-Goddard (*admitted pro hac vice*)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue
New York, NY 10017
Telephone: (646) 837-5151
bkaminsky@hsgllp.com
dsullivan@hsgllp.com
mshuster@hsgllp.com
mgurgel@hsgllp.com
jschaffer-goddard@hsgllp.com

Deborah M. Minkoff (*admitted pro hac vice*)
COZEN O'CONNOR
One Liberty Place
1650 Market Street
Suite 2800
Philadelphia, PA 19103
Telephone: (215) 665-2000
dminkoff@cozen.com

Robert Mangino (*admitted pro hac vice*)
CLYDE & CO.
340 Mt. Kemble Avenue
Suite 300
Morristown, NJ 07960
Telephone: (973) 210-6711
robert.mangino@clydeco.us

Susan Koehler Sullivan (*admitted pro hac vice*)
CLYDE & CO.
355 S. Grand Avenue
Suite 1400
Los Angeles, CA 90071
Telephone: (213) 358-7670
susan.sullivan@clydeco.us

*Attorneys for Defendant ACE American Insurance
Company*

ACE Property & Casualty Insurance Company

Of Counsel:

Aaron D. French, MO #50759
Stephen W. Carman, MO #70910
SANDBERG PHOENIX
600 Washington Avenue – 15th Floor
St. Louis, MO 63101-1313
Telephone: (314) 231-3332
Facsimile: (314) 241-7604
afrench@sandbergphoenix.com
scarman@sandbergphoenix.com

Blair E. Kaminsky (*admitted pro hac vice*)
Daniel M. Sullivan (*admitted pro hac vice*)
Michael S. Shuster (*admitted pro hac vice*)
Matthew Gurgel (*admitted pro hac vice*)
Jonathan Schaffer-Goddard (*admitted pro hac vice*)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue
New York, NY 10017
Telephone: (646) 837-5151
bkaminsky@hsgllp.com
dsullivan@hsgllp.com
mshuster@hsgllp.com
mgurgel@hsgllp.com
jschaffer-goddard@hsgllp.com

Deborah M. Minkoff (*admitted pro hac vice*)
COZEN O'CONNOR
One Liberty Place
1650 Market Street
Suite 2800
Philadelphia, PA 19103
Telephone: (215) 665-2000
dminkoff@cozen.com

Robert Mangino (*admitted pro hac vice*)
CLYDE & CO.
340 Mt. Kemble Avenue
Suite 300
Morristown, NJ 07960
Telephone: (973) 210-6711
robert.mangino@clydeco.us

Susan Koehler Sullivan (*admitted pro hac vice*)
CLYDE & CO.
355 S. Grand Avenue
Suite 1400
Los Angeles, CA 90071
Telephone: (213) 358-7670
susan.sullivan@clydeco.us

*Attorneys for Defendant ACE Property & Casualty
Insurance Company*

AIG Specialty Insurance Company	
<p><i>Of Counsel:</i></p> <p>David W. Sobelman, MO #32253 Melissa Z. Baris, MO #49346 HUSCH BLACKWELL LLP 8001 Forsyth Boulevard, Suite 1500 St. Louis, MO 63105 Telephone: (314) 480-1500 Facsimile: (314) 480-1505 david.sobelman@huschblackwell.com melissa.baris@huschblackwell.com</p>	<p>Christopher J. St. Jeanos (<i>admitted pro hac vice</i>) James C. Dugan (<i>admitted pro hac vice</i>) James Fitzmaurice (<i>admitted pro hac vice</i>) Mitchell J. Auslander (<i>pro hac vice application forthcoming</i>) Ravi Chanderraj (<i>admitted pro hac vice</i>) WILLKIE, FARR & GALLAGHER LLP 787 Seventh Avenue New York, NY 10019-6099 Telephone: (212) 728-8000 cstjeanos@willkie.com jdugan@willkie.com jfitzmaurice@willkie.com mauslander@willkie.com rchanderraj@willkie.com</p> <p><i>Attorneys for Defendant AIG Specialty Insurance Company</i></p>
Allianz Global Risks US Insurance	
<p><i>Of Counsel:</i></p> <p>Jon H. Ebner, MO #54187 Ronald L. Ohren (<i>admitted pro hac vice</i>) BAKER & MCKENZIE, L.L.P. 300 East Randolph Street, Suite 5000 Chicago, IL 60601 Telephone: (312) 861 8000 Facsimile: (312) 861 2899 jon.ebner@bakermckenzie.com ronald.ohren@bakermckenzie.com</p>	<p><i>Attorneys for Defendant Allianz Global Risks US Insurance</i></p>
American Guarantee & Liability Insurance Company	
<p><i>Of Counsel:</i></p> <p>T. Michael Ward #32816 BROWN & JAMES, P.C. 800 Market Street, Suite 1100 St. Louis, MO 63101 Telephone (314) 421-3400 Facsimile (314) 421-3128 mward@bjpc.com</p>	<p>Karen M. Dixon (<i>pro hac vice application forthcoming</i>) SKARZYNSKI MARICK & BLACK LLP 353 North Clark Street Chicago, IL 60654 Telephone (312)-946-4233 kdixon@skarzynski.com</p> <p><i>Attorneys for Defendant American Guarantee & Liability Insurance Company</i></p>

American Home Assurance Company	
<p><i>Of Counsel:</i></p> <p>David W. Sobelman, MO #32253 Melissa Z. Baris, MO #49346 HUSCH BLACKWELL LLP 8001 Forsyth Boulevard, Suite 1500 St. Louis, MO 63105 Telephone: (314) 480-1500 Facsimile: (314) 480-1505 david.sobelman@huschblackwell.com melissa.baris@huschblackwell.com</p>	<p>Christopher J. St. Jeanos (<i>admitted pro hac vice</i>) James C. Dugan (<i>admitted pro hac vice</i>) James Fitzmaurice (<i>admitted pro hac vice</i>) Mitchell J. Auslander (<i>pro hac vice application forthcoming</i>) Ravi Chanderraj (<i>admitted pro hac vice</i>) WILLKIE, FARR & GALLAGHER LLP 787 Seventh Avenue New York, NY 10019-6099 Telephone: (212) 728-8000 cstjeanos@willkie.com jdugan@willkie.com jfitzmaurice@willkie.com mauslander@willkie.com rchanderraj@willkie.com</p> <p><i>Attorneys for Defendant American Home Assurance Company</i></p>
Aspen Insurance UK Ltd.	
<p><i>Of Counsel:</i></p> <p>Timothy J. Wolf, MO #53099 Lucas J. Ude, MO #66288 Allie E. Malone Subke, MO #70688 WATTERS, WOLF, BUB & HANSMANN 600 Kellwood Parkway, Suite 120 St. Louis, MO 63017 Telephone: (636) 798-0570 Facsimile: (636) 798-0693 twolf@wwbhlaw.com lude@wwbhlaw.com amalone@wwbhlaw.com</p>	<p>Adam H. Fleischer (<i>admitted pro hac vice</i>) Agelo L. Reppas (<i>admitted pro hac vice</i>) Justin K. Seigler (<i>admitted pro hac vice</i>) BATESCAREY LLP 191 N Upper Wacker Drive, Suite 2400 Chicago, IL 60606 Telephone: (312) 762-3100 Facsimile: (312) 762-3200 afleischer@batescarey.com areppas@batescarey.com jseigler@batescarey.com</p> <p><i>Attorneys for Defendant Aspen Insurance UK Ltd.</i></p>

Columbia Casualty	
<p><i>Of Counsel:</i></p> <p>Stephen J. O'Brien, MO #43977 Deborah J. Campbell, MO #54625 DENTONS US LLP One Metropolitan Square 211 N. Broadway Suite 3000 St. Louis, MO 63102-2741 Telephone: (314) 241-1800 Facsimile: (314) 259-5959 stephen.obrien@dentons.com deborah.campbell@dentons.com keith.moskowitz@dentons.com</p>	<p><i>Attorneys for Defendant Columbia Casualty Company</i></p>
HDI Global SE	
<p><i>Of Counsel:</i></p> <p>Jon H. Ebner, MO #54187 Ronald L. Ohren (<i>admitted pro hac vice</i>) BAKER & MCKENZIE, L.L.P. 300 East Randolph Street, Suite 5000 Chicago, IL 60601 Telephone: (312) 861 8000 Facsimile: (312) 861 2899 jon.ebner@bakermckenzie.com ronald.ohren@bakermckenzie.com</p>	<p>Peter Hoenig (<i>admitted pro hac vice</i>) Philip C. Semprevivo (<i>admitted pro hac vice</i>) Christine Laurent (<i>pro hac vice application forthcoming</i>) BIEDERMANN HOENIG SEMPREVIVO One Grand Central Place 60 East 42nd Street 36th Floor New York, NY 10165 Telephone: (646) 218-7612 Facsimile: (646) 218-7510 peter.hoenig@lawbhs.com philip.semprevivo@lawbhs.com christine.laurent@lawbhs.com</p> <p><i>Attorneys for Defendant HDI Global SE</i></p>

Illinois Union Insurance Company

Of Counsel:

Aaron D. French, MO #50759
Stephen W. Carman, MO #70910
SANDBERG PHOENIX
600 Washington Avenue – 15th Floor
St. Louis, MO 63101-1313
Telephone: (314) 231-3332
Facsimile: (314) 241-7604
afrench@sandbergphoenix.com
scarman@sandbergphoenix.com

Blair E. Kaminsky (*admitted pro hac vice*)
Daniel M. Sullivan (*admitted pro hac vice*)
Michael S. Shuster (*admitted pro hac vice*)
Matthew Gurgel (*admitted pro hac vice*)
Jonathan Schaffer-Goddard (*admitted pro hac vice*)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue
New York, NY 10017
Telephone: (646) 837-5151
bkaminsky@hsgllp.com
dsullivan@hsgllp.com
mshuster@hsgllp.com
mgurgel@hsgllp.com
jschaffer-goddard@hsgllp.com

Deborah M. Minkoff (*admitted pro hac vice*)
COZEN O'CONNOR
One Liberty Place
1650 Market Street
Suite 2800
Philadelphia, PA 19103
Telephone: (215) 665-2000
dminkoff@cozen.com

Robert Mangino (*admitted pro hac vice*)
CLYDE & CO.
340 Mt. Kemble Avenue
Suite 300
Morristown, NJ 07960
Telephone: (973) 210-6711
robert.mangino@clydeco.us

Susan Koehler Sullivan (*admitted pro hac vice*)
CLYDE & CO.
355 S. Grand Avenue
Suite 1400
Los Angeles, CA 90071
Telephone: (213) 358-7670
susan.sullivan@clydeco.us

*Attorneys for Defendant Illinois Union Insurance
Company*

Lloyd's of London Syndicate #2003, a/k/a Certain Underwriters at Lloyd's, SJ Catlin Syndicate SJC 2003	
<p><i>Of Counsel:</i></p> <p>Stephen J. O'Brien, MO #43977 Deborah J. Campbell, MO #54625 DENTONS US LLP One Metropolitan Square 211 N. Broadway Suite 3000 St. Louis, MO 63102-2741 Telephone: (314) 241-1800 Facsimile: (314) 259-5959 stephen.obrien@dentons.com deborah.campbell@dentons.com keith.moskowitz@dentons.com</p>	<p><i>Attorneys for Defendant Lloyd's of London Syndicate #2003, a/k/a Certain Underwriters at Lloyd's, SJ Catlin Syndicate SJC 2003</i></p>
Lloyd's of London Syndicate #1218, a/k/a Newline Syndicate 1218	
<p><i>Of Counsel:</i></p> <p>Jon H. Ebner, MO #54187 Ronald L. Ohren (<i>admitted pro hac vice</i>) BAKER & MCKENZIE, L.L.P. 300 East Randolph Street, Suite 5000 Chicago, IL 60601 Telephone: (312) 861 8000 Facsimile: (312) 861 2899 jon.ebner@bakermckenzie.com ronald.ohren@bakermckenzie.com</p>	<p>Peter Hoenig (<i>admitted pro hac vice</i>) Philip C. Semprevivo (<i>admitted pro hac vice</i>) BIEDERMANN HOENIG SEMPREVIVO One Grand Central Place 60 East 42nd Street 36th Floor New York, NY 10165 Telephone: (646) 218-7612 Facsimile: (646) 218-7510 peter.hoenig@lawbhs.com philip.semprevivo@lawbhs.com</p> <p><i>Attorneys for Defendant Lloyd's of London Syndicate #1218, a/k/a Newline Syndicate 1218</i></p>
National Union Fire Insurance Company of Pittsburgh, Pa	

<p><i>Of Counsel:</i></p> <p>David W. Sobelman, MO #32253 Melissa Z. Baris, MO #49346 HUSCH BLACKWELL LLP 8001 Forsyth Boulevard, Suite 1500 St. Louis, MO 63105 Telephone: (314) 480-1500 Facsimile: (314) 480-1505 david.sobelman@huschblackwell.com melissa.baris@huschblackwell.com</p>	<p>Christopher J. St. Jeanos (<i>admitted pro hac vice</i>) James C. Dugan (<i>admitted pro hac vice</i>) James Fitzmaurice (<i>admitted pro hac vice</i>) Mitchell J. Auslander (<i>pro hac vice application forthcoming</i>) Ravi Chanderraj (<i>admitted pro hac vice</i>) WILLKIE, FARR & GALLAGHER LLP 787 Seventh Avenue New York, NY 10019-6099 Telephone: (212) 728-8000 cstjeanos@willkie.com jdugan@willkie.com jfitzmaurice@willkie.com mauslander@willkie.com rchanderraj@willkie.com</p> <p><i>Attorneys for Defendant National Union Fire Insurance Company of Pittsburgh, Pa</i></p>
<p>Old Colony State Insurance Company</p>	
<p><i>Of Counsel:</i></p> <p>Clark H. Cole, MO #28668 Evan J. Sullivan, MO #73032 ARMSTRONG TEASDALE LLP 7700 Forsyth Blvd., Suite 1800 St. Louis, MO 63105 Telephone: (314) 621-5070 Facsimile: (314) 621-5065 ccole@atllp.com esullivan@atllp.com</p>	<p>Aidan M. McCormack Mark L. Deckman DLA PIPER LLP 1251 Avenue of the Americas New York, NY 10020-1104 Telephone: (212) 335-4750 Facsimile: (212) 335-4501 aidan.mccormack@dlapiper.com mark.deckman@dlapiper.com</p> <p><i>Attorneys for Defendant Old Colony State Insurance Company</i></p>